

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KEITH ALAN ROBERTS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL NO. 3:CV-15-1607
	:	
DEBORAH WILSON, D.O., <u>et al.</u> ¹ ,	:	(Judge Kosik)
	:	
Defendants.	:	

MEMORANDUM

I. Background

Keith Alan Roberts filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 14, 2015. In this action, he claims that Defendants were deliberately indifferent to his medical needs in violation of the Eighth Amendment. On June 7, 2016, the court adopted the Report and Recommendation of Magistrate Judge Martin C. Carlson, granting Defendants' motion to dismiss to the extent that Defendant Prime Care Medical, Inc. was dismissed from this action, and denying the motion to the extent that the individual defendants were to remain in the action without prejudice to their filing of a motion for summary judgment. (Doc. 57.) Pending is what appears to be a sixth request for the appointment of counsel (Doc. 49) filed by Plaintiff, as well as his motion to compel discovery (Doc. 46), and his motion seeking

¹ The correct spelling of each Defendant's name and their proper title is listed in Document 25.

the reconsideration of the denial of his motions to compel on March 11, 2016. (Doc. 43.) With respect to the motion for reconsideration, Plaintiff specifically argues that although Defendants claim they provided him with responses to his discovery requests, they did not.

II. Discussion

A. Request for counsel

While an order has been entered dismissing Prime Care Medical, Inc. from this action, all of the individual defendants still remain. Plaintiff again requests counsel to assist him in litigating this Eighth Amendment medical care case against Defendants. There is no need to repeat the standard used by the court in analyzing an inmate's motion for counsel, as it has been set forth numerous times in this action. (Docs. 13, 23, 29, 35 and 43.) Even if the court were to find arguable merit at this juncture with respect to Plaintiff's claims, he is still capable of litigating this action on his own at this point, as demonstrated by his filings to date. For all of the reasons previously set forth in this court's orders, Plaintiff's most recent motion for counsel will be denied without prejudice at this time.

B. Motion for reconsideration/Motion to compel

Plaintiff seeks reconsideration of the denial of his motions to compel discovery on March 11, 2016. The court found that Defendants had provided proof that they supplied Plaintiff with the responses to his discovery requests. Plaintiff disputes this,

and seeks reconsideration of the denial of his motions to compel. He has also filed another motion to compel discovery which is pending before the court. In the pending motion to compel, Plaintiff seeks to compel Defendants Wilson, Bunting, Gregory and Prime Care Medical, Inc., to respond to requests for the production of documents served upon them on or about January 18, 2016, as well as provide responses to certain interrogatories. Because Prime Care Medical, Inc. is no longer a defendant in this action, they need not respond to Plaintiff's discovery requests. The others, however, are still obligated to do so, if the requests are timely and Defendants have no valid objections to the requests.

It is difficult to decide any pending motion to compel without knowing the specific discovery requests, the responses/objections thereto, and the arguments raised by Plaintiff in moving to compel the discovery. As such, any decision on the motion for reconsideration with respect to compelling the remaining defendants to respond to discovery requests, and the most recently filed motion to compel will be denied, without prejudice to Plaintiff filing a proper motion to compel which sets forth the required relevant information. If this motion is filed, Defendants will be provided with the opportunity to respond thereto. In addition, the remaining Defendants will be directed to file their answer to the complaint, and a scheduling order will be imposed. An appropriate order follows.